

Town of Cohasset  
Zoning Bylaw Working Group - Master Plan Implementation Committee  
January 11, 2021 – Virtual Meeting via Zoom

A meeting of the Zoning Bylaw Working Group was held at 10:00 am January 11, 2021 virtually on Zoom.

In attendance were:

Katie Dugan, MPIC representative  
Tom Callahan, Planning Board representative  
Woody Chittick, Zoning Board of Appeals representative  
Paul Colleary, Planning Board representative  
Peter Pescatore, Open Space & Recreation representative  
Jen Oram, Assistant Director of Permits & Inspections  
John Hallin, Building Commissioner & Zoning Officer

Absent:

Jack Creighton, Cohasset Select Board representative  
Cassie Malatesta, MPIC representative

The meeting was called to order at 10:01 am.

### **Minutes**

The working group approved the Zoning Bylaw Working Group minutes from December 3, 2020 and December 21, 2020. Katie Dugan will send copies to Town Clerk to post on Town website.

### **Work Plan Updates**

The working group quickly reviewed the ATM calendar published by Town Manager. Notices of Intent (NOI) for potential warrant articles are due by Friday, January 15<sup>th</sup>. The working group had previously agreed to submit Notice of Intent on Use Variance warrant article. Woody Chittick will submit NOI to the Town Manager's Office. The committee agreed to submit NOI on Land Alteration warrant article. Katie Dugan will submit NOI to the Town Manager's Office.

### **Residential Zoning**

Woody Chittick provided the working group an update on his comprehensive review of housing definitions in the Zoning Bylaw. He identified 24 discrete housing types which he further proposed could be organized into 8 higher-level categories of housing. In the memo on housing bylaws, he identified three fundamental bylaw components including (i) definitions, (ii) allowed/restricted uses, and (iii) area of regulations. In addition, he identified three areas of focus when reviewing definitions including voids, inconsistencies and redundancies. As an example, he noted that there is no definition for congregate care and current bylaws lack definitions for assisted living, graduated care, elderly housing, group homes and contain a definition for nursing homes which needs to be amended. Paul Colleary added was important issue related to senior housing and goals under Master Plan and Housing Production Plan seek to support housing for seniors in Cohasset. Woody Chittick will circulate both the overview memo and listing of definitions to the full committee for first read and discussion at next meeting.

Katie Dugan updated the committee that she has continued to press Town Manager for counsel recommendation to draft opinion on proportional zoning. Cohasset Select Board is discussing legal counsel engagement letters tomorrow evening at their meeting. The committee should anticipate an answer by end of the week at latest. Woody Chittick had circulated information from MAPC regarding the lack of proportional zoning utilization in Massachusetts; however, the committee agreed that final legal opinion would still be helpful as additional guidance.

The working group had a detailed discuss regarding height and pre-construction elevation definition. Work on this definition and measurement technique were a result of Planning Board discussion over 580 Jerusalem Road project. Karis North, Tom Callahan and Woody Chittick drafted a preliminary revision of the Zoning Bylaw definition for height.

After extensive discussion. The ZBWG consensus was that the amendment of the definition of height in the zoning bylaws should not proceed forward at ATM in May 2021 as this was tied to a broader discussion of Residential Zoning which the working group is addressing over the next 12-15 months. The committee did agree to several next steps related to height in the interim as follows:

- **Measurement of Pre-Construction Elevation** - The ZBWG directed Jen Oram and John Hallin to draft a Building & Inspection Department protocol memo on the measurement of pre-construction elevation which will guide future building permits and interactions with developers on this matter. The working group plans on reviewing protocol memo at meeting on 1/26 and will forward to Planning Board for further discussion. The measurement system in protocol will mirror that of the proposed bylaw change with multiple points every 10' or 20'.
- **Definition of Height** - The ZBWG discussed the possibility of changing the definition, but the majority agreed to hold on bylaw changes until further benchmarking on Residential Zoning issues are completed. The committee did ask Jen Oram to look back at ZBA applications and LHR applications to review the actual height of new construction, so the committee had a sense of what the range of absolute heights of new construction has been over the last 1-3 years. The committee agreed that there were a few critical areas which need further information and study before a final proposal on height was proposed in bylaw changes.

Tom Callahan updated the working group that the Planning Board has yet to find time on its schedule to fully discuss Large Home Review bylaw due to continued public hearings for CHI. He anticipates that this discussion may occur end of January or early February depending on the conclusion of the CHI hearings.

### **Harbor Zoning**

The group discussed the need to begin work on Harbor Zoning. The committee discussed the need to begin drafting a broad strategy statement re: Harbor zoning and to begin to document and categorize the underlying issues associated with the landside Harbor area.

Peter Pescatore requested a detailed blow-up of the Harbor zoning map as the area is dense and contains 6 distinct zoning districts. Woody Chittick offered to detail out the uses and table of area regulations associated with the six districts (RC (residential C), DB (downtown business), HVBOD (harbor-village business overlay district), WB (waterfront business), RB (residential B), OS(open space)) as reference for future discussions. Tom Callahan will circulate as additional background materials the

memos he wrote on comprehensive review of harbor zoning from May 2010, November 2010, and January 2017. Peter Pescatore will begin work this month on this working group 12-18 month goal.

In the near future, the committee agreed, once strategy statement and detail on underlying issues documented, the Zoning Bylaw Working Group should update the Harbor Committee on its activities and several concerned citizens who are actively considering the landside implications of future development associated with the Bellamine, the Oaks and Atlantica properties.

### **Overlay Provisions**

Katie Dugan has begun work on a matrix which summarizes the Residential Cluster Development District (300:10 RCDD), Senior Multi Family Residential Overlay District (300:16 SMROD), Transit-Oriented Development Overlay District (300:17 TODOD), Village Business District (300:18 special permit), and Harbor Village Business District (300:22 HVBOD). She will circulate a draft of this by the end of the week. In addition, she will write a memo with summary observations.

The committee discussed SMROD as sunset provision in 16.1(B) is unclear. This particular provision was amended in 2006 and refers the completion of Cooke Estates as sunsetting the overlay district. Ultimately, Cooke Estates was not completed as SMROD project but rather a RCDD further complicating the interpretation of the 2006 sunset provision. Jen Oram reports the ECode 360 review did not remove the overlay and based on conversation with Town Clerk that further research with Town Counsel will need to resolve the SMROD status prior to removing from Town Zoning Bylaw. Katie Dugan reports that based on conversations with Lauren Lind there have been numerous inquiries from developers about this overlay district over the last 18 months, but Planning Department has deferred them based on sunset provision.

### **Administrative**

Katie Dugan will keep the working group posted, if there is an update, regarding date of joint meeting between working group and the Planning Board in February.

The next meeting of the Zoning Bylaw Working Group is scheduled for Tuesday, January 26<sup>th</sup> at 12:00 pm. Next agenda to include Residential Zoning update including first read of housing definitions, Housing Options including second read of ADU recommendations, Land Alteration next steps, first read of Overlay District observations and matrix, and follow up re: protocol for measurement of pre-construction elevation for height.

### **Adjourn**

The meeting adjourned at 11:49 am.

### **Documents**

Height Change Proposal\_12.21.20  
Hingham Zoning Bylaw\_Email  
Hingham Zoning Height\_Diagram  
Housing Definitions Recommendations  
Housing Definitions/Options Overview Memo  
Zoning Bylaw Working Group Minutes\_12.21.20

